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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,177	02/22/2005	Kari Antila	122488	3559
25944	7590	06/24/2008	EXAMINER	
OLIFF & BERRIDGE, PLC			HAGEMAN, MARK	
P.O. BOX 320850				
ALEXANDRIA, VA 22320-4850			ART UNIT	PAPER NUMBER
			3653	
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			06/24/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/522,177	ANTILA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Hageman	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 April 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 1 and 14 discuss the presence or providing of upper and lower preset values after the language "the feeding speed is changed to a different feeding speed in one of the following ways:" This renders that claims indefinite as the preset values are not part of an alternative control arrangement but are required by the claims. Therefore the limitation should appear earlier in the claim and only the discussion of lower, increasing, and changing the speed relative to certain situations should follow the alternative language as these limitations make up the possible control arrangements. The claims have been examiner with the preset values being a necessity rather than part of an alternative control arrangement.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,248,042 to Kuhmonen. Kuhmonen discloses a method for controlling a screening machine comprising at least one screen surface (20), feeding means (18) that feed material to be screened towards the screen surface and onto the screen surface where the material is separated into a first fraction remaining on the screen surface and into a second fraction passed through the screen surface while the material is moving along the screen surface (c3 lines 25+), the method, comprising: determining the amount of material on the screen surface by automatic measurement, and controlling the feeding speed of the feeding means on the basis of the measurement by automatic control in such a manner that the feeding speed is changed to a different feeding speed in one of the following ways: -providing upper and lower preset values (valmax, valmin) for the measurement value (valm) of a variable dependent on the amount of material on the screen surface (c3 lines 57+), lowering the speed of the feeding means when the measurement value (valm) passes one of the preset values, increasing the speed of the feeding means when the measurement value (valm) passes the other preset value (c3 lines 57+), or changing the speed of the feeding means when the speed of change of the measurement value (valm) of the variable exceeds a preset value (( $\Delta$ Valm/ $\Delta$ t)max).

-Re claim 2 determining the amount of material on the screen surface comprising measuring a variable of the movement of the screen surface or a variable of the drive

means of the screen surface causing the movement of the screen surface (c3 lines 57+).

-Re claim 3 determining the amount of material on the screen surface comprising measuring the load caused by the material on any of the processing units of the screening machine or on any machine following the screening machine and extending the process of the screening machine and being connected to the control system of the screening machine (c3 lines 57+).

-Re claim 4 measuring the load caused by the material on the screen comprising measuring a variable of the screen drive means causing the transport or processing of the material on the screen surface (c3 lines 57+).

-Re claim 5 the variable is a drive pressure, drive current or drive running speed (c3 lines 57+ ad c5 lines 54+).

-Re claim 6 the processing unit is any of the following: a discharge conveyor, a shredder, or a crusher (c3 lines 44+).

-Re claim 7 measuring the load comprises measuring any of the following variables: drive pressure of the discharge conveyor, shredder or crusher, drive current of the discharge conveyor, shredder or crusher, running speed of the discharge conveyor, shredder or crusher (c3 lines 57+). Examiner contends that the rotation of the drum causes the drum to act as a discharge conveyor in addition to a screen.

-Re claim 8 the machine following the screening machine and extending the process of the screening machine and being connected to the screening machine's control system is any of the following: - a second screening machine - a crushing machine - a conveying machine (26).

-Re claim 9 measuring the load on an engine caused by the material (c3 lines 57+)

-Re claim 11 presetting a maximum speed and a minimum speed for the feeding means. Examiner contends that the minimum speed is 0 when the feeder is stopped and the maximum speed is the operating speed of conveyor 18.

-Re claim 12 providing a predetermined maximum time ( $t_{max}$ ) for the measurement value (valm) to be beyond the preset value; and lowering the speed of the feeding means below a preset speed value when the measurement value (valm) has

been beyond the preset value for a period that exceeds the predetermined maximum time ( $t_{max}$ ) (c3 lines 57+).

-Re claim 13 stopping the feeding means when the measurement value (valm) has been beyond the preset value for the period (c3 lines 57+).

-Re claim 14 a screening machine comprising at least one screen surface (20), feeding means (18) arranged to feed material to be screened towards the screen surface and onto the screen surface, the screen surface being capable of separating the material into a first fraction remaining on the screen surface and into a second fraction passed through the screen surface while the material is moving along the screen surface (c3 lines 25+), the screening machine further comprising a sensor (c3 lines 57+) arranged to measure a variable dependent on the amount of material on the screen surface; a controller (46) to which said sensor is connected through a data transmission line to receive a measurement value related to said variable from the sensor; an actuator operatively connected to the feeding means and arranged to change the feeding speed of the feeding means (c3 lines 57+); wherein said controller is connected to said actuator through a data transmission line and arranged to give a control command to said actuator in response to the measurement value (valm) received from the sensor (S) to change the feeding speed of the feeding means to a different feeding speed in one of the following ways: an upper preset value (valmax) and a lower preset value (valmin) for the measurement value are programmable and

changeable in the controller (C) and the controller is arranged to give a speed reducing control command to the feeding means when the measurement value (valm) passes one of the preset values (valmax, valmin), and a speed increasing control command when the measurement value passes the other preset value (c3 lines 57+), or a preset value (( $\Delta$ Valm/ $\Delta$ t)max) for the speed of change of the measurement value (valm) is programmable and changeable in the controller (C) and the controller is arranged to give a speed changing control command to the feeding means when the speed of change exceeds the preset value (( $\Delta$ Valm/ $\Delta$ t)max).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhmonen in view of US 4,665,772 to Greene. Kuhmonen discloses all the limitations of claim except measuring the load by measuring the temperature of the hydraulic fluid of the hydraulic system. Greene discloses the use of hydraulic fluid temperature as a control input (c8 lines 40+) for facilitating shift performance and minimizing other adjustments (c8 lines 49+) and minimizing shift shock or jerk.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to have modified Kuhmonen to include the determination of load by measuring hydraulic fluid temperature, as taught by Greene, for the predictable result of improved performance and decreased wear.

### ***Response to Arguments***

8. Applicant's arguments filed 4-28-2008 have been fully considered but they are not persuasive. Applicants stated,

*Regarding independent claims 1 and 14, Kuhmonon fails to disclose the steps or corresponding structure of (1) "providing upper and lower preset values (Valmax, valmin.) for the measurement value (valm) of a variable dependent on the amount of material on the screen surface"; and (2) "changing the speed of the feeding means when the speed of change of the measurement value (valm) of the variable exceeds a preset value ((Avalm/At)max)."*

Examiner disagrees and maintains that Kuhmonen does disclose the claimed limitations at c3 lines 57+. Kuhmonen states "feedback control mean 46 temporarily stop the feeding conveyor 18 when resistance to turning of the drum using the drum-powering hydraulic motor 42 indicates that the drum is temporarily overloaded." Therefore there is an upper limit. Then Kuhmonen states "Upon resistance to turning dropping below a selected threshold level, the feeding conveyor resumes operation," thus disclosing a lower limit.

Applicants further stated,

*Thus, Kuhmonen's apparatus functions in an on/off manner as far as the running of the conveyor is concerned.*

Applicant continues, discussing the changing of speeds versus the stopping of the conveyor. Examiner acknowledges the on/off operation of the Kuhmonen device but maintains that this function anticipates the currently pending claim limitations. Examiner contends that stopping and restarting the conveyor constitute lowering and increasing the speed of the feeding means. Furthermore Examiner contends that the claim language does not preclude an on/off operation. The applicant has argued that, "the conveyor is not stopped." Examiner maintains that the claims do not include this language and that when given the broadest reasonable interpretation the claims include the on/off configuration as disclosed by Kuhmonen.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/

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